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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May, 1998

BEFORE

THE HON'BLE Mr. JUSTICE A.J. SADASHIVA

W.P. NO. 25513/97.

BETWEEN:

Siddaiah, S/o Rangaswamiah,  
aged 45 years, residing at  
Makenahalli village,  
Sompura hobli, Nelamangala  
Taluk, Bangalore Rural Dist. .. PETITIONER

(By Sri T. Seshagiri Rao, Advocate)

A N D

1. The State of Karnataka,  
Department of Housing,  
represented by its Secretary,  
Vidhana Soudha, Bangalore.
2. The Dy. Commissioner, Bangalore  
Rural Dist., T.V. Tower Bldg.  
Dr. Ambedkar road, Bangalore.
3. The Asst. Commissioner,  
Doddaballapur sub-division,  
T.V. Tower Building,  
Dr. Ambedkar road, Bangalore.
4. The Executive Officer,  
Nelamangala Taluk Panchayat,  
Nelamangala, Bangalore Rural  
District.

.. RESPONDENTS

(By Sri K.H. Jagadeesh, G.A.)

Writ Petition filed under Arts. 226 and 227  
of the Constitution of India praying to direct

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direct respondent-2 to denotify the land bearing Sy.No.34 of Makenahalli village, Sompura hobli, Nelamangala taluk, Bangalore Rural District or to regrant the same in favour of the petitioner etc.

This petition coming on for preliminary hearing in 'B' group, the court made the following:-

O R D E R

This writ petition is filed for a writ of mandamus directing the 2nd respondent to denotify the land bearing Sy.No.34, measuring 20 guntas, situated at Makenahalli village, Sompura Hobli, Nelamangala taluk, Bangalore Rural District or to regrant the same in favour of the petitioner.

2. This petition is totally misconceived as there is no provision in the Land Acquisition Act, 1894 (hereinafter called 'the Act') either to denotify the land after the declaration was issued or to regrant the land to the original owner, even if the land acquired for a public purpose cannot be used for that purpose.

3. It is submitted by Sri K.H. Jagadeesh, learned Govt. Advocate that possession of the land in question has been taken <sup>over</sup> by the Government, sites have been formed and distributed to various competent applicants. In this view of the matter, the question of either denotifying the

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the land or regranting the same in favour of the petitioner could not arise.

4. The Supreme Court in C. PADMA & OTHERS v. SECRETARY TO THE GOVERNMENT OF TAMIL NADU & OTHERS (1997(2) SCC 627) held that "acquired land having been vested in the State Government, the claimants are not entitled to restitution of possession on ground that either original public purpose had ceased to be in operation or the land could not be used for any other purpose."

5. For the reasons aforesaid, this petition fails and accordingly rejected.

Sri K.H. Jagadeesh, learned Govt. Advocate is permitted to file memo of appearance within four weeks.

Sd/-  
JUDGE

skn/050698

